

11-29-01

PTO/SB/05 (03-01)

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

| | |
|------------------------|---|
| Attorney Docket No. | 0108.11 |
| First Inventor | Mazen Hanna |
| Title | Method and Apparatus for the Formation of Particles |
| Express Mail Label No. | ET095510284US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 50]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 15]
5. Oath or Declaration [Total Pages 2]
 - a. ☐ Newly executed (original or copy)
 - b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement ☒ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other Cert. of Exp. Mail

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)of prior application No. 09,379,549

Prior application information

Examiner

J. Strickland

Group Art Unit

1754

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS☒ Customer Number or Bar Code Label 21968 or ☐ Correspondence address below
(Insert Customer No. or Attach bar label here)

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Michael J. Rafa

Registration No. (Attorney/Agent)

38,740

Signature

Michael J. Rafa

Date

November 27, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (11-01)

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$3,612.00)

Complete if Known

Application Number Unassigned
Filing Date Herewith
First Named Inventor Mazen Hanna
Examiner Name Unassigned
Group Art Unit Unknown
Attorney Docket No. 0108.11

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number 500348
Deposit Account Name Inhale Therapeutics

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|------------------------|------------|
| 101 | 201 | 740 | 370 | Utility filing fee | 740.00 |
| 106 | 206 | 330 | 165 | Design filing fee | |
| 107 | 207 | 510 | 255 | Plant filing fee | |
| 108 | 208 | 740 | 370 | Reissue filing fee | |
| 114 | 214 | 160 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | | (\$740.00) |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 150 | -20** = 130 | 18 | 2340 |
| 6 | -3** = 3 | 84 | 252 |
| Multiple Dependent | | 280 | 280 |

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|--|--------------|
| 103 | 203 | 18 | 9 | Claims in excess of 20 | |
| 102 | 202 | 84 | 42 | Independent claims in excess of 3 | |
| 104 | 204 | 280 | 140 | Multiple dependent claim, if not paid | |
| 109 | 209 | 84 | 42 | ** Reissue independent claims over original patent | |
| 110 | 210 | 18 | 9 | ** Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | | | | (\$2,872.00) |

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|--------------|----------|----------|--|----------|
| 105 | 205 | 130 | 65 | Surcharge - late filing fee or oath | |
| 127 | 227 | 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 139 | 130 | 130 | Non-English specification | |
| 147 | 147 | 2,520 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 112 | 920* | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 113 | 1,840* | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 215 | 110 | 55 | Extension for reply within first month | |
| 116 | 216 | 400 | 200 | Extension for reply within second month | |
| 117 | 217 | 920 | 460 | Extension for reply within third month | |
| 118 | 218 | 1,440 | 720 | Extension for reply within fourth month | |
| 128 | 228 | 1,960 | 980 | Extension for reply within fifth month | |
| 119 | 219 | 320 | 160 | Notice of Appeal | |
| 120 | 220 | 320 | 160 | Filing a brief in support of an appeal | |
| 121 | 221 | 280 | 140 | Request for oral hearing | |
| 138 | 138 | 1,510 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 240 | 110 | 55 | Petition to revive - unavoidable | |
| 141 | 241 | 1,280 | 640 | Petition to revive - unintentional | |
| 142 | 242 | 1,280 | 640 | Utility issue fee (or reissue) | |
| 143 | 243 | 460 | 230 | Design issue fee | |
| 144 | 244 | 620 | 310 | Plant issue fee | |
| 122 | 122 | 130 | 130 | Petitions to the Commissioner | |
| 123 | 123 | 50 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 126 | 126 | 180 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 581 | 40 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 246 | 740 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 249 | 740 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 279 | 740 | 370 | Request for Continued Examination (RCE) | |
| 169 | 169 | 900 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Michael J. Rafa Registration No. 38,740 Telephone 650-631-5053
Signature [Signature] (Attorney/Agent) Date 11/27/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mazen Hanna et al.

Application No.: Unassigned

Group No.: Unknown

Filed: Herewith

Examiner: Unassigned

For: METHOD AND APPARATUS FOR THE FORMATION OF PARTICLES

Assistant Commissioner for Patents

Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number ET095510284US


Date of Deposit 11/27/2001

I hereby state that the following *attached* paper or fee

Continuation Application transmittal, continuation patent application (copy), preliminary amendment, data sheet, declaration (copy), Power of Attorney/w 3.73(b) (copy)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202.

Kathy Honnert


Signature of person mailing paper or fee